

ASSIGNED

Serial No. 49040

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 09 1985

Returned to applicant for correction MAY 23 1985

Corrected application filed Map filed MAY 09 1985

The applicant Ardyth G. Smith

P.O. Box 443

Street and No. or P.O. Box No.

of Caliente

City or Town

Nevada 89008

State and Zip Code No.

hereby make application for permission to change the

point of diversion and place of use.

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under permit number 37472.

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is underground

Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 2.7 c.f.s.

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for irrigation and domestic.

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for irrigation and domestic.

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 7, T. 1 N., R. 68 E.,

Describe as being within a 40-acre subdivision of public survey and by course and

Mount Diablo Base and Meridian, the NW corner of said section 7 bears N, 71°04'20" W. distance to a section corner. If on unsurveyed land, it should be stated.

at 4,131.03 feet.

6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 7, T. 1 N., R. 68 E.,

If point of diversion is not changed, do not answer.

M.D.B.&M. the NE corner of section 36, T. 1 N., R. 68 E., bears S. 54°14'E. at

34,042.2 feet.

7. Proposed place of use SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ all in section 6; N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ all in section

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

7; W $\frac{1}{2}$ NW $\frac{1}{4}$ of section 8, all in Township 1 North, Range 68 East, Mount Diablo

Base and Meridian, to be comingled with water from permit 37473 on a total of 320 acres.

8. Existing place of use of permit 37472 is NE $\frac{1}{4}$ of section 7, T. 1 N., R. 68 E., M.D.B.&M.

Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.

Month and Day

Month and Day

10. Use was permitted from January 1 to December 31 of each year.

Month and Day

Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) drill and case well, install pump and

State manner in which water is to be diverted, i.e. diversion structure, ditches,

pipelines to irrigation system.

pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$20,000

13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use.....three years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This is filed with an ammended Desert Land Entry. The ammended D.L.E. was required by the BLM because a portion of the original DLE became a part of a Wilderness Study Area after the DLE was filed. It is now necessary to change the point of diversion and the place of use to meet BLM requirements.

By S/ Ardyth G. Smith
P.O. Box 443
Caliente, NV 89008

Compared tw/jf bp/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 37472 is issued subject to the terms and conditions imposed in said Permit 37472 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 49040 and 49041 shall not exceed 1280 acre feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....2.7.....cubic feet per second, but not to exceed 640 acre feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated by any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before.....March 12, 1992

Proof of completion of work shall be filed before.....April 12, 1992

Application of water to beneficial use shall be made on or before.....March 12, 1995

Proof of the application of water to beneficial use shall be filed on or before.....April 12, 1995

Map in support of proof of beneficial use shall be filed on or before.....April 12, 1995

Completion of work filed.....MAY 5 1994.....IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.

Proof of beneficial use filed.....State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 12th day of March

Cultural map filed.....A.D. 19 90.....

Certificate No.....Issued.....
State Engineer